

Read In Open Court 2/17/11 (WTC)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LABORATORY SKIN CARE, INC.,
and ZAHRA MANSOURI,

Plaintiffs,

v.

LIMITED BRANDS, INC., and BATH
& BODY WORKS, LLC

Defendants.

Civil Action No. 06-601 (LPS)

VERDICT FORM

Instructions: When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Please refer to the Jury Instructions for guidance on the law applicable to the subject matter covered by each question.

QUESTIONS AND ANSWERS

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case.

I. FINDINGS ON INFRINGEMENT**A. Direct Infringement**

1. Has Laboratory Skin Care proven by a preponderance of the evidence that every requirement of United States Patent No. 6,579,516 is included in each of Bath & Body Works' Antibacterial Moisturizing Hand Lotion Products?

You must make a separate finding for each of the claims listed below:

- | | | | |
|----|---------|---|--|
| a. | Claim 2 | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| b. | Claim 4 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| c. | Claim 5 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| d. | Claim 6 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| e. | Claim 7 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

B. Inducing Infringement

2. Has Laboratory Skin Care proven by a preponderance of the evidence that: (a) Bath & Body Works actively encouraged or instructed its customers on how to use its Bath & Body Works Antibacterial Moisturizing Hand Lotion products in a way that infringes United States Patent No. 6,579,516; (b) Bath & Body Works knew of the patent at that time; (c) Bath & Body Works knew, or should have known, that the encouragement or instructions would result in infringement; and (d) the customers infringed the claim?

You must make a separate finding for each of the claims listed below:

- | | | | |
|----|----------|---|--|
| a. | Claim 13 | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| b. | Claim 15 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| c. | Claim 16 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| d. | Claim 17 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| e. | Claim 18 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

II. FINDINGS ON INVALIDITY DEFENSES**A. Written Description Requirement**

3. Has Bath & Body Works proven by clear and convincing evidence that United States Patent No. 6,579,516 is invalid on the ground that its written description was inadequate?

You must make a separate finding for each of the claims listed below:

a.	Claim 1	[]	YES	[<input checked="" type="checkbox"/>]	NO
b.	Claim 2	[]	YES	[<input checked="" type="checkbox"/>]	NO
c.	Claim 3	[]	YES	[<input checked="" type="checkbox"/>]	NO
d.	Claim 4	[]	YES	[<input checked="" type="checkbox"/>]	NO
e.	Claim 5	[]	YES	[<input checked="" type="checkbox"/>]	NO
f.	Claim 6	[]	YES	[<input checked="" type="checkbox"/>]	NO
g.	Claim 7	[]	YES	[<input checked="" type="checkbox"/>]	NO
h.	Claim 12	[]	YES	[<input checked="" type="checkbox"/>]	NO
i.	Claim 13	[]	YES	[<input checked="" type="checkbox"/>]	NO
j.	Claim 14	[]	YES	[<input checked="" type="checkbox"/>]	NO
k.	Claim 15	[]	YES	[<input checked="" type="checkbox"/>]	NO
l.	Claim 16	[]	YES	[<input checked="" type="checkbox"/>]	NO
m.	Claim 17	[]	YES	[<input checked="" type="checkbox"/>]	NO
n.	Claim 18	[]	YES	[<input checked="" type="checkbox"/>]	NO

B. Anticipation

4. Has Bath & Body Works proven by clear and convincing evidence that the claims of United States Patent No. 6,579,516 are invalid due to anticipation?

You must make a separate finding for each of the claims listed below:

a.	Claim 1	[]	YES	[✓] NO
b.	Claim 2	[]	YES	[✓] NO
c.	Claim 3	[]	YES	[✓] NO
d.	Claim 4	[]	YES	[✓] NO
e.	Claim 5	[]	YES	[✓] NO
f.	Claim 6	[]	YES	[✓] NO
g.	Claim 7	[]	YES	[✓] NO
h.	Claim 12	[]	YES	[✓] NO
i.	Claim 13	[]	YES	[✓] NO
j.	Claim 14	[]	YES	[✓] NO
k.	Claim 15	[]	YES	[✓] NO
l.	Claim 16	[]	YES	[✓] NO
m.	Claim 17	[]	YES	[✓] NO
n.	Claim 18	[]	YES	[✓] NO

C. Statutory Bar

5. Has Bath & Body Works' proven by clear and convincing evidence that United States Patent No. 6,579,516 is invalid on the ground that the claimed invention was subject to a commercial offer for sale before June 13, 1994?

You must make a separate finding for each of the claims listed below:

- | | | | |
|----|----------|---|-----------------------------|
| a. | Claim 1 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| b. | Claim 2 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| c. | Claim 3 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| d. | Claim 4 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| e. | Claim 5 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| f. | Claim 6 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| g. | Claim 7 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| h. | Claim 12 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| i. | Claim 13 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| j. | Claim 14 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| k. | Claim 15 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| l. | Claim 16 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| m. | Claim 17 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| n. | Claim 18 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

If the answer to question 5 is "yes," answer question 6.

If the answer to question 5 is "no," go to question 7.

6. Has Bath & Body Works' proven by clear and convincing evidence that the claimed invention of United States Patent No. 6,579,516 was ready for patenting before June 13, 1994?

You must make a separate finding for each of the claims listed below if you answered YES for that claim in response to question 5:

- | | | | |
|----|----------|---|-----------------------------|
| a. | Claim 1 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| b. | Claim 2 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| c. | Claim 3 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| d. | Claim 4 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| e. | Claim 5 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| f. | Claim 6 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| g. | Claim 7 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| h. | Claim 12 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| I. | Claim 13 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| j. | Claim 14 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| k. | Claim 15 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| l. | Claim 16 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| m. | Claim 17 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| n. | Claim 18 | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

D. Obviousness

7. Has Bath & Body Works proven by clear and convincing evidence that United States Patent No. 6,579,516 is invalid on the ground of obviousness?

You must make a separate finding for each of the claims listed below:

a.	Claim 1	[]	YES	[]	NO
b.	Claim 2	[]	YES	[]	NO
c.	Claim 3	[]	YES	[]	NO
d.	Claim 4	[]	YES	[]	NO
e.	Claim 5	[]	YES	[]	NO
f.	Claim 6	[]	YES	[]	NO
g.	Claim 7	[]	YES	[]	NO
h.	Claim 12	[]	YES	[]	NO
i.	Claim 13	[]	YES	[]	NO
j.	Claim 14	[]	YES	[]	NO
k.	Claim 15	[]	YES	[]	NO
l.	Claim 16	[]	YES	[]	NO
m.	Claim 17	[]	YES	[]	NO
n.	Claim 18	[]	YES	[]	NO

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the marshal that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

2/17/2011

Date

2-17-2011

2-17-2011

2-17-2011

February 17, 2011

2/17/2011

2/17/11

2/17/11